

**SUPREME COURT MINUTES
THURSDAY, JANUARY 6, 2005
SAN FRANCISCO, CALIFORNIA**

S119294B161668 Second Appellate District,
Division Five

PEOPLE v. LOPEZ

Opinion filed: Judgment affirmed as modified

The judgment of the Court of Appeal is affirmed but the sentence must be modified to delete the 10-year gang enhancement imposed under Penal Code section 186.22(b)(1)(C). The cause is remanded to the Court of Appeal for further proceedings consistent with this opinion.

Majority Opinion by Baxter, J.

--- joined by George, C.J., Kennard, Werdegar, Chin, Brown and Moreno, JJ.

S130453B179294 Second Appellate District,
Division Three

SPECTOR v. S.C. (PEOPLE)

Stay order filed

Application for stay to Chief Justice Ronald M. George is denied.

S129213

C045397 Third Appellate District

WOLFE v. CORBIN

Time extended to grant or deny review

to February 11, 2005.

S129265B178566 Second Appellate District,
Division EightMITCHELL SILBERBERG & KNUPP v. S.C.
(CEDARS SINAI MEDICAL CENTER)

Time extended to grant or deny review

to February 14, 2005.

S129294

F044059 Fifth Appellate District

PEOPLE v. KENDRICK

Time extended to grant or deny review

to February 11, 2005.

S129344

H026265 Sixth Appellate District

PEOPLE v. JAFFE

Time extended to grant or deny review

to February 17, 2005.

S035348PEOPLE v. SMITH (ROBERT LEE)
Extension of time granted

to March 3, 2005 to file appellant's reply brief. After that date, only four further extensions totaling about 225 additional days will be granted. Extension is granted based upon counsel Scott F. Kauffman's representation that he anticipates filing that brief by 10/15/2005.

S037625PEOPLE v. HARRIS (LANELL)
Extension of time granted

to March 8, 2005 to file respondent's brief. After that date, only one further extension totaling about 40 additional days will be granted. Extension is granted based upon Supervising Deputy Attorney General Susan D. Martynec's representation that she anticipates filing that brief by 4/18/2005.

S042346PEOPLE v. JONES (BRYAN)
Extension of time granted

to March 8, 2005 to file respondent's brief. After that date, only eight further extensions totaling about 490 additional days will be granted. Extension is granted based upon Deputy Attorney General Karl T. Terp's representation that he anticipates filing that brief by 7/14/2006.

S056425PEOPLE v. DAVIS (RICHARD ALLEN)
Extension of time granted

to March 8, 2005 to file appellant's opening brief.

S057321PEOPLE v. LOMAX (DARREL L.)
Extension of time granted

to March 11, 2005 to file appellant's opening brief. Extension is granted based upon

Deputy State Public Defender Jessica McGuire's representation that she anticipates filing that brief by 3/11/2005. After that date, no further extension will be granted.

S058489

PEOPLE v. CAREY (DEWAYNE M.)
Extension of time granted

to March 8, 2005 to file respondent's brief.

S079179

PEOPLE v. BACON (ROBERT A.)
Extension of time granted

to March 8, 2005 to file appellant's opening brief.

S123618

JENKINS (DANIEL S.) ON H.C.
Extension of time granted

to February 7, 2005 to file the informal response to the petition for writ of habeas corpus. After that date, only one further extension totaling about 30 additional days will be granted. Extension is granted based upon Deputy Attorney General Roy C. Preminger's representation that he anticipates filing that document by 3/8/2005.

S123962

PANAH (HOOMAN ASHKAN) ON H.C.
Extension of time granted

to February 2, 2005 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only three further extensions totaling about 90 additional days will be granted. Extension is granted based upon counsel Robert R. Bryan's representation that he anticipates filing that document by 5/2/2005.

S127505

B161356 Second Appellate District,
Division Eight

PEOPLE v. PARTIDA

Extension of time granted

to January 18, 2005 to file appellant's opening brief on the merits. No further extensions of time will be granted.

S129510

CRUZ (TOMAS VERANO) ON H.C.

Extension of time granted

to February 9, 2005 to file the informal response to the petition for writ of habeas corpus. After that date, only eight further extensions totaling about 240 additional days will be granted. Extension is granted based upon Deputy Attorney General Ross C. Moody's representation that he anticipates filing that document by 10/11/2005.

S129612

BONILLA (STEVEN) ON H.C.

Extension of time granted

to February 2, 2005 to file the informal response to the petition for writ of habeas corpus. After that date, only three further extensions totaling about 90 additional days will be granted. Extension is granted based upon Deputy Attorney General Bruce Ortega's representation that he anticipates filing that document by 5/1/2005.

S128561

C044445 Third Appellate District

PEOPLE v. SAMPLE

Counsel appointment order filed

William Parks is hereby appointed to represent appellant on his appeal now pending in this court

S128784

B169815 Second Appellate District,
B174734 Division Four

PEOPLE v. MALLORY

Counsel appointment order filed

Lynette Moore is hereby appointed to represent appellant on his appeal now pending in this court.

S128884
F041563 Fifth Appellate District

PEOPLE v. CORPUZ
Counsel appointment order filed

Upon request of appellant for appointment of counsel, Oliver J. Northup is hereby appointed to represent appellant on his appeal now pending in this court. Appellant's brief on the merits must be served and filed on or before thirty (30) days from the date respondent's opening brief on the merits is filed.

S019697

PEOPLE v. WARD (CARMEN)
Order filed

In light of the requested supplemental briefing filed in the above automatic appeal now pending in this court, a petition for a writ of habeas corpus submitted on appellant's behalf will be presumed to be filed without substantial delay if it is filed by March 28, 2005. (See Supreme Ct. Policies Regarding Cases Arising From Judgments of Death, policy 3, timeliness std.1-4 [standard adopted eff. Nov. 20, 2002].)

S128469

MYERS ON DISCIPLINE
Recommended discipline imposed: disbarred

It is hereby ordered that **GARY FREDERIC MYERS, State Bar No. 98819**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. **Gary Frederic Myers** is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar. *(See Bus. & Prof. Code, § 6126, subd. (c).)

S128470

MICKLIS ON DISCIPLINE
Recommended discipline imposed

It is ordered that **DANIEL ANTON MICKLIS, State Bar No. 158515**, be suspended from the practice of law for two years and until he

provides proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 18 months. Respondent is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on August 24, 2004. Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S129204**PANIAGUA ON DISCIPLINE**

Case dismissed –

The resignation of **OLIVIA MARIE PANIAGUA**, State Bar number 169843, having been accepted in **S130168**, this proceeding is dismissed without prejudice to further proceedings should respondent hereafter seek reinstatement.

S130168**PANIAGUA ON RESIGNATION**

Resignation accepted with disc. proceeding pending

The voluntary resignation of **Olivia Marie Paniagua, State Bar No. 169843**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should she hereafter seek reinstatement. It is ordered that she comply with rule 955 of the California Rules of Court and that she perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S130415**LAFAYETTE ON RESIGNATION**

Resignation accepted with disc. proceeding pending

The voluntary resignation of **Ken Patrick LaFayette, State Bar No. 190778**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S130416**ALLISON ON RESIGNATION**

Resignation accepted with disc. proceeding pending

The voluntary resignation of **Barbara Hallen Allison, State Bar No. 151867**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should she hereafter seek reinstatement. It is ordered that she comply with rule 955 of the California Rules of Court and that she perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)